

# **EXHIBIT 1**



**Service of Process  
Transmittal**

12/13/2010

CT Log Number 517733512

**TO:** Howard Harris  
BMW of North America, LLC  
300 Chestnut Ridge Road  
Woodcliff Lake, NJ 07677-7731

**RE: Process Served in Virginia**

**FOR:** BMW of North America, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Karen White, Pltf. vs. BMW of North America, LLC., Dft.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Motion

**COURT/AGENCY:** Isle of Wight County Circuit Court, VA  
Case # 093CL1000054100

**NATURE OF ACTION:** Product Liability Litigation - Breach of Warranty - Failure to correct and/or repair defects to a 2009 BMW/3 Series/335d, VIN number WBAPN73569A265980 - Seeking \$74,500.00

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Glen Allen, VA

**DATE AND HOUR OF SERVICE:** By Process Server on 12/13/2010 at 10:55

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** Leonard A. Bennett  
Consumer Litigation Associates, P.C.  
12515 Warwick Boulevard  
Suite 100  
Newport News, VA 23606  
757-930-3660

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex Priority Overnight , 796546970594  
Image SOP  
Email Notification, Elizabeth Taschler elizabeth.taschler@bmwna.com  
Email Notification, Maura Higgins Maura.Higgins@bmwnaext.com

**SIGNED:** C T Corporation System  
**PER:** Tinika Baylor  
**ADDRESS:** 4701 Cox Road  
Suite 301  
Glen Allen, VA 23060  
**TELEPHONE:** 804-217-7255

Plaintiff

AMT. : \$299.00

263187-1

3. On or about May 29, 2009, the Plaintiff purchased from Defendant, BMW's authorized dealer a new 2009 BMW/3 Series/335d, VIN number WBAPN73569A265980 (hereinafter the "automobile").

4. Plaintiff's vehicle was purchased with a "bumper to bumper" new car limited warranty. It was also accompanied by an implied warranty pursuant to Article 2 of the Uniform Commercial Code.

5. Plaintiff was forced to seek repair of the automobile within eighteen months of purchasing the vehicle and after having driven it less than 12,000 miles.

6. Plaintiff's automobile has failed to conform to its manufacturer's warranty in such manner as to be significantly impaired in one or more of the following ways:

(a) Plaintiff's automobile has suffered the same defect – vehicle fault memory read for various different reasons and engine problems – three (3) or more times.

(b) Plaintiff's automobile has suffered a major defect – fuel injectors hanging up and dumping too much fuel, causing the crank case vent system to fail – vehicle will be in service for more than 30 consecutive days due to the engine having to be replaced.

7. None of the non-conformities hereinabove alleged was a result of abuse, neglect or unauthorized modification or alteration of the Plaintiff's automobile.

8. The full sales price of the motor vehicle was \$64,956.70.

9. The Defendant has breached its contract and warranty and has further violated the Federal Magnuson-Moss Act and the Virginia Automobile Warranty Enforcement

9. The Defendant has breached its contract and warranty and has further violated the Federal Magnuson-Moss Act and the Virginia Automobile Warranty Enforcement Act by failing and refusing to bring the automobile into conformity with its written and implied warranty.

10. Plaintiff has incurred other damages including without limitation, loss of use of the automobile and/or payment of interest, insurance, personal property taxes and other incidental and consequential damages on the automobile.

WHEREFORE, Plaintiff demands judgment against the Defendant, BMW, in the amount of her damages of \$74,500.00, together with attorneys fees, litigation expenses and Court costs pursuant to §59.1-207.14 of the Code of Virginia, 1950, as amended, and \$40,000.00 for damages under the Federal Magnuson-Moss Act, together with attorneys fees, litigation expenses and Court costs for such other relief as the Court deems equitable and just.

Respectfully submitted,

KAREN WHITE,

By 

Of Counsel

LEONARD A. BENNETT, VSB #37523  
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